

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONNA E. SZLOSEK,

Plaintiff,

– against –

NYS OFFICE OF THE ATTORNEY GENERAL,

Defendant.

ORDER
24-cv-00897 (ER)

Ramos, D.J.:

On February 14, 2025, Donna E. Szlosek filed a third application requesting that pro bono counsel represent her in this action. Doc. 36.

As stated in the Court’s June 26, 2024 order, Doc. 18, the factors to be considered in ruling on an indigent litigant’s request for counsel include the merits of the case and the plaintiff’s ability to gather the facts and present the case if unassisted by counsel. *See Dolan v. Connolly*, 794 F.3d 290, 296 (2d Cir. 2015) (citing factors set forth in *Hodge*, 802 F.2d at 60–62). Of these, the Court must “first determine whether the indigent’s position seems likely to be of substance,” *Hodge*, 802 F.2d at 61, and, if this threshold requirement is met, then the Court must consider additional factors, including the *pro se* litigant’s “ability to handle the case without assistance,” *Cooper*, 877 F.2d at 172; *accord Hendricks*, 114 F.3d at 392.

At this stage in the proceedings, the Court remains unable to conclude that Szlosek’s claims are likely to have merit, although naturally that may change as the litigation progresses.

Accordingly, for the same reasons relied upon in the Court’s previous orders, Docs. 18 and 26, Szlosek’s application for the appointment of *pro bono* counsel is DENIED without

prejudice to possible renewal at a later stage in the case. The Clerk of Court is respectfully directed to terminate the motion, Doc. 36.

It is SO ORDERED.

Dated: February 20, 2025
New York, New York



Edgardo Ramos, U.S.D.J